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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/061,363	02/04/2002	Vyacheslav S. Belenko	CIT/K-0137	8170
34610	7590	08/14/2007		
KED & ASSOCIATES, LLP P.O. Box 221200 Chantilly, VA 20153-1200			EXAMINER BROWN, CHRISTOPHER J	
			ART UNIT 2134	PAPER NUMBER
			MAIL DATE 08/14/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/061,363

Applicant(s)

BELENKO ET AL.

Examiner

Christopher J. Brown

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 6/4/2007 have been fully considered but they are not persuasive.

Applicant argues that the references do not teach the claimed key renewing process in the playing device. Applicant argues that the references also do not disclose a master key is used in processing a key renewing certificate.

The examiner argues that Van Oorschot does teach replacing the public/private key pair with a new key pair, (Col 6 lines 60-65, private key, and encryption certificate are updated), (Col 9 lines 53-57, updates the encryption public key pair and public key certificate). It would be well known to one of ordinary skill in the art to use the most recent key pair, and that certificates have time stamps. Van Oorschot teaches a history of keys as admitted by the applicant, thus showing that each key is associated with a specific time. The applicant may be able to overcome this by more explicitly stating how the invention uniquely analyzes or uses the time mark.

Sims III teaches a "master" device key pair, (Col 12 lines 1-12, preselected device secret key, to accommodate secure exchanges, and corresponding preselected device public key), and Van Oorschot teaches updating the private/public key "securely" thus it would be obvious to use the master device key pair.

The examiner notes that step (e) of claim 1 contains further procedures for step (b).

Since (e) and (b) are both in the same claim, it would be better articulated if all the procedures for step (b) were contained in step (b) rather than some procedures in (b) and others in (e).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5, 9, 10, 11, 13, 14, and 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sims III US 6,550,011 in view of Ho US 6,148,342 in view of Van Oorshot US 6,229,894.

As per claims 1, 5, 9, 10, 11, 13, 14, 16, and 17 Sims III teaches a media distribution system in which the media data is encrypted with a symmetric key, (Col 10 lines 15-20, 53-60). Sims III teaches distributing the symmetric media key by encrypting it with a public key (Col 10 lines 45-55). Sims III teaches decrypting said media key with a private key, and using said media key to exchange data, (Col 10 lines 55-65). Sims teaches that content key, is rendered useless if the compliant device does not contain the correct private key, thus preventing media playback (Col 17 lines 40-45).

Sims III fails to teach sending private key identification by encrypting an ID.

Ho teaches encrypting an identifier using a public key of the recipient (media certificate), (Col 3 lines 54-56). Ho teaches finding the corresponding private key to decrypt the identifier, (Col 3 lines 57-59).

It would have been obvious to one of ordinary skill in the art to use the identifier of Ho with the DRM of Sims III because it allows the recipient to find the private key needed to decrypt future submissions from the sender.

Van Oorshot teaches updating the public key certificate including a new public and private key (Col 6 line 64 to Col 7 line 4). It would have been obvious to one of ordinary skill in the art to update the certificate on a periodic basis in order to prevent key compromise.

As per claim 18 Van Oorshot teaches keeping a private key history, (Col 10 lines 1-10).

As per claims 19, and 20, Sims III teaches a master public key, and a master private key (preselected keys) for secure transmission. (Col 12 lines 1-12).

Van Oorshot teaches securely transmitting updates private/public key pair Col 9 lines 53-56. It would have been obvious to one of ordinary skill in the art to use the device key in Sims with the transmission of Van Oorshot so that the device could securely receive updated keys.

As per claim 21 Sims III teaches that the private master key is stored securely in memory (Col 12 lines 1-5).

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Claims 2-4, 6-8, 12, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sims III US 6,550,011 in view of Ho US 6,148,342 in view of Van Oorshot US 6,229,894 in view of Zubeldia US 6,044,462.

As per claims 2, 6, 12, and 15 the previous Sims III-Ho combination does teach storing keys, (Col 13 lines 8-20). SimsIII-Ho does not teach a key list with revoked keys.

Zubeldia teaches a stored list of keys that have previously been revoked, (Col 4 lines 8-18).

It would have been obvious to one of ordinary skill in the art to use the list of keys of Zubeldia with the data distribution system of SimsIII-Ho because it would allow the user to know the security status of the key being used and if it is trustworthy.

As per claims 3, and 7, SimsIII-Ho teaches storing private keys, (SimsIII Col 13 lines 8-20).

As per claims 4, and 8 SimsIII-Ho teaches stored private keys are in a secure memory, (SimsIII Col 11 lines 18-25).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Brown whose telephone number is (571)272-3833. The examiner can normally be reached on 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571)272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


KAMBIZ ZAND
SUPERVISORY PATENT EXAMINER

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher J. Brown

8/9/07



KAMBIZ ZAND
SUPERVISORY PATENT EXAMINER